

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB534)

Received: **1/21/2014** Received By: **jkuesel**
Wanted: **As time permits** Same as LRB:
For: **Frederick Kessler (608) 266-5813** By/Representing: **Christina Tenuta**
May Contact: Drafter: **jkuesel**
Subject: **State Finance - claims agnst st** Addl. Drafters:
Extra Copies: **PJH - 1**

Submit via email: **YES**
Requester's email: **Rep.Kessler@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Burden of proof - preponderance of evidence

Instructions:

Per attached E mail, 1/16/14, #3.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 1/22/2014	kfollett 1/22/2014		_____			
/1			jfrantze 1/23/2014	_____	mbarman 1/23/2014	mbarman 1/23/2014	

FE Sent For:

<END>

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1/21	jkuesel	1/15f	1/15f	RS			
1/1	1/22/14	1/22	1/22	1/23			

FE Sent For:

<END>

Kuesel, Jeffery

To: Tenuta, Christina
Subject: RE: Amendments to AB 519 & 534

Christina,

This will confirm that we have your requests. I will get back to you with any questions that arise.

Jeffery T. Kuesel
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266-6778
Jeffery.Kuesel@legis.wisconsin.gov

From: Tenuta, Christina
Sent: Thursday, January 16, 2014 3:37 PM
To: Kuesel, Jeffery
Subject: Amendments to AB 519 & 534

Dear Attorney Kuesel,

Rep. Kessler would like to make the following three amendments to both AB 519 and AB 534.

1. If a judgment is vacated by a court, based on DNA evidence, then the court must include that fact in its finding.
2. If DNA evidence is used to exonerate a defendant, the burden shifts to the DA under the claim process.
3. Burden of proof is no longer clear and convincing, but rather preponderance of the evidence – the civil burden.

Please feel free to call if you have any questions or need further clarification. Thank you.

Sincerely,

Christina

Christina M. Tenuta, J.D.
Office of Wisconsin State Representative Frederick P. Kessler, 12th Assembly District
608-266-5813



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1491/

JTK...*GF*

THU 1/23

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,

TO ASSEMBLY BILL 534

evidence is clear and convincing

evidence is not clear and convincing

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At the locations indicated, amend the bill as follows:

1. Page 5, line 24: delete "evidence is clear and convincing" and substitute "preponderance of evidence is".
2. Page 5, line 25: delete the material beginning with "evidence" and ending with "convincing" on page 6, line 1, and substitute "preponderance of evidence is".
3. Page 6, line 9: delete "clear and convincing" and substitute "a preponderance of".

(END)